

Exhibit 5: EBRPD Resolution

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2006-4-7777

April 17, 2007

APPROVAL OF THE BERKELEY MEADOW PHASE III RESTORATION PROJECT
AND AUTHORIZATION TO APPLY FOR GRANT FUNDS FROM THE CALIFORNIA
COASTAL CONSERVANCY: EASTSHORE STATE PARK

WHEREAS, the people of the State of California have enacted Proposition 50, the "Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002," which provides funds to the State of California for grants to local agencies to acquire and/or develop facilities for public recreational and fish and wildlife habitat protection purposes; and

WHEREAS, the East Bay Regional Park District is seeking \$1,500,000 from the California State Coastal Conservancy San Francisco Bay Program; and

WHEREAS, the California State Coastal Conservancy San Francisco Bay Program has been delegated the responsibility for project administration and requires the applicant to certify by resolution approval of an application before submission of said application to the State; and

WHEREAS, said application contains assurances that the applicant must comply with; and

WHEREAS, the applicant will enter into an agreement with the California State Coastal Conservancy to proceed with development of the project;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District has determined that there is no substantial evidence of any new significant environmental effects that would warrant preparation of a new or subsequent environmental document. Therefore, this project is Categorically Exempt from CEQA under Sections 15061(b) (3), 15301 and 15304 of State CEQA Guidelines;

BE IT FURTHER RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby approves the Berkeley Meadow Phase III Restoration Project;

BE IT FURTHER RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby:

1. Approves the filing of an application under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 for the above project; and
2. Certifies that said applicant understands the assurances and certification; and
3. Certifies that said applicant has or will have available prior to commencement of any work on the project included in this application, the required match; and will have sufficient funds to operate and maintain the project; and

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4. Appoints the General Manager or Assistant General Manager of Management Services as agent of the East Bay Regional Park District to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendment, payment requests and so on, which may be necessary for the completion of the aforementioned project; and

BE IT FURTHER RESOLVED, that the Chief Finance Officer is authorized to establish a capital project account upon receipt of an executed contract with a budget appropriation equal to the value stipulated in the contract.

Moved by Director Lane, seconded by Director Severin, and approved this 17th day of April, 2007, by the following vote:

FOR: Directors Beverly Lane, Ted Radke, Carol Severin, Doug Siden, Nancy Skinner, Ayn Wieskamp.

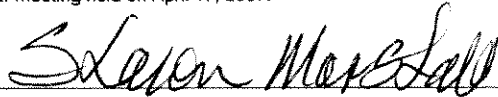
AGAINST: None.

ABSTAIN: None.

ABSENT: Director John Sutter.

CERTIFICATION

I, Sharon Marshall, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution 2007-4-77 adopted by the Board of Directors at a regular meeting held on April 17, 2007.

A handwritten signature in cursive script, reading "Sharon Marshall", is written over a horizontal line.